

REMARKS

In the Office Action, the Examiner rejected claims 1-5, 7-12, 14-27 and 29, and objected to claims 6, 13 and 28. The Examiner also indicated that claims 6, 13 and 28 would be allowable if rewritten in independent form. By this paper, the Applicants amended claim 17 and added new claim 30 for clarification of certain features to expedite allowance of the present application. These additions and amendments do not add any new matter. Upon entry of these amendments, claims 1-30 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected independent claims 1, 9, 17, 20 and 25, and their dependent claims 2-5, 7-8, 14-16, 18-19, 21-24, 26-27 and 29 under U.S.C. § 102(b) as anticipated by Neukam (German Patent Application Publication No. DE19844644A1, translation provided by U.S.P.T.O.). Applicants respectfully traverse these rejections.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete*

detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Features of Independent Claim 1 Missing from Neukam Reference

The present independent claims recite a variety of features missing from the Neukam reference. For example, independent claim 1 recites “a multiple fan chassis having a plurality of fan supports, wherein the chassis is mountable in an electronic device and is movable to a withdrawn access position adapted to provide access to the plurality of fan supports and, wherein the multiple fan chassis comprises airflow passages directed from the plurality of fan supports into the electronic device in the withdrawn access position.”

For sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *electronic device*, then the Neukam reference is clearly missing the claimed *multiple fan chassis*. In contrast to independent claim 1, the Neukam reference discloses fan cassettes each supporting a single fan. In other words, the Neukam reference discloses only *two primary structures*, i.e., the single fan cassettes and the slide-in cassette unit carrier KET. Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the *multiple fan chassis*, as recited in independent claim 1.

Alternatively, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *multiple fan chassis*, then the Neukam reference is clearly missing the *electronic device*. As illustrated in Figure 1, the KET does not mount to any other structure, much less an electronic device. See Neukam, Figs. 1 and 2. In view of the missing electronic device, the Neukam reference also clearly lacks “airflow passages directed from the plurality of fan supports into the electronic device in the withdrawn access position,” as recited in claim 1. Instead, the KET completely confines

the single fan cassettes (and the supported fans), such that no airflow passages extend beyond the walls of the KET. The Neukam reference does not illustrate, describe, or suggest any structures or electronics being cooled other than something *inside* the KET. *See id.* Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the electronic device and air passages, as recited in independent claim 1.

In view of these deficiencies, the Neukam reference cannot anticipate independent claim 1 and its dependent claims. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Features of Independent Claim 9 Missing from Neukam Reference

The present independent claims recite a variety of features missing from the Neukam reference. For example, independent claim 9 recites “a chassis; a multiple fan tray disposed in the chassis and movable between an installed position and an extracted position, wherein the multiple fan tray comprises an airflow passage pneumatically coupled with the chassis in both the installed position and the extracted position.”

Again, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *chassis*, then the Neukam reference is clearly missing the claimed *multiple fan tray*. In contrast to independent claim 9, the Neukam reference discloses single fan cassettes each supporting a single fan. In other words, the Neukam reference discloses only *two primary structures*, i.e., the single fan cassettes and the slide-in cassette unit carrier KET. Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the *multiple fan tray*, as recited in independent claim 9.

Alternatively, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *multiple fan tray*, then the Neukam reference is clearly missing the *chassis*. As illustrated in Figure 1, the KET does not mount to any other

structure, much less a chassis. *See* Neukam, Figs. 1 and 2. In view of the missing chassis, the Neukam reference also clearly lacks “an airflow passage pneumatically coupled with the chassis in both the installed position and the extracted position,” as recited in claim 9. Instead, the KET completely confines the single fan cassettes (and the supported fans), such that no airflow passage extends beyond the walls of the KET. The Neukam reference does not illustrate, describe, or suggest any chassis being cooled other than something *inside* the KET. *See id.* Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the chassis and airflow passage, as recited in independent claim 9.

In view of these deficiencies, the Neukam reference cannot anticipate independent claim 9 and its dependent claims. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Features of Independent Claim 17 Missing from Neukam Reference

The present independent claims recite a variety of features missing from the Neukam reference. For example, independent claim 17 recites “means for jointly mounting a plurality of fans in the electronic device movably between inserted and removed positions of the means for jointly mounting relative to the electronic device; and means for maintaining continuous air flow from at least one fan of the plurality of fans in both the inserted and removed positions.”

Again, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *electronic device*, then the Neukam reference is clearly missing the claimed *means for jointly mounting a plurality of fans*. In contrast to independent claim 17, the Neukam reference discloses single fan cassettes each supporting a single fan. In other words, the Neukam reference discloses only *two primary structures*, i.e., the single fan cassettes and the slide-in cassette unit carrier KET. Thus,

even according to this hypothetical interpretation, the Neukam reference is clearly missing the *means for jointly mounting a plurality of fans*, as recited in independent claim 17.

Alternatively, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *means for jointly mounting a plurality of fans*, then the Neukam reference is clearly missing the *electronic device*. As illustrated in Figure 1, the KET does not mount to any other structure, much less an electronic device. See Neukam, Figs. 1 and 2. In view of the missing electronic device, the Neukam reference also clearly lacks “means for maintaining continuous air flow from at least one fan of the plurality of fans in both the inserted and removed positions” of the means for jointly mounting relative to the electronic device, as recited in claim 17. Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the electronic device and means for maintaining continuous air flow, as recited in independent claim 17.

In view of these deficiencies, the Neukam reference cannot anticipate independent claim 17 and its dependent claims. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Features of Independent Claim 20 Missing from Neukam Reference

The present independent claims recite a variety of features missing from the Neukam reference. For example, independent claim 20 recites “removably inserting into the electronic device a multiple fan assembly that is adapted to maintain airflow through the electronic device in both an inserted position and in a withdrawn position.”

Again, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *electronic device*, then the Neukam reference is clearly missing the claimed *multiple fan assembly*. In contrast to independent claim 20, the Neukam reference discloses single fan cassettes each supporting a single fan. In other words, the Neukam reference discloses only *two primary structures*, i.e., the single fan

cassettes and the slide-in cassette unit carrier KET. Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the *multiple fan assembly*, as recited in independent claim 20.

Alternatively, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *multiple fan assembly*, then the Neukam reference is clearly missing the *electronic device*. As illustrated in Figure 1, the KET does not removably insert into any other structure, much less an electronic device. See Neukam, Figs. 1 and 2. In view of the missing electronic device, the Neukam reference also clearly lacks the claim recitation that the multiple fan assembly is “adapted to maintain airflow through the electronic device in both an inserted position and in a withdrawn position,” as recited in claim 20. Instead, the KET completely confines the single fan cassettes (and the supported fans), such that no airflow passage extends beyond the walls of the KET. The Neukam reference does not illustrate, describe, or suggest any electronic device being cooled other than something *inside* the KET. See *id.* Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the electronic device and airflow through the electronic device, as recited in independent claim 20.

In view of these deficiencies, the Neukam reference cannot anticipate independent claim 20 and its dependent claims. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Features of Independent Claim 25 Missing from Neukam Reference

The present independent claims recite a variety of features missing from the Neukam reference. For example, independent claim 25 recites “providing a multiple fan chassis movably mountable in the electronic device between an extended position and an installed position such that airflow is continuously directed through the electronic device in both the extended position and in the installed position.”

Again, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *electronic device*, then the Neukam reference is clearly missing the claimed *multiple fan chassis*. In contrast to independent claim 25, the Neukam reference discloses single fan cassettes each supporting a single fan. In other words, the Neukam reference discloses only *two primary structures*, i.e., the single fan cassettes and the slide-in cassette unit carrier KET. Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the *multiple fan chassis*, as recited in independent claim 25.

Alternatively, for sake of hypothetical argument, if the slide-in cassette unit carrier KET is interpreted as the claimed *multiple fan chassis*, then the Neukam reference is clearly missing the *electronic device*. As illustrated in Figure 1, the KET does not movably mount into any other structure, much less an electronic device. See Neukam, Figs. 1 and 2. In view of the missing electronic device, the Neukam reference also clearly lacks “airflow is continuously directed through the electronic device,” as recited in claim 25. Instead, the KET completely confines the single fan cassettes (and the supported fans), such that no airflow is continuously directed beyond the walls of the KET. The Neukam reference does not illustrate, describe, or suggest any electronic device being cooled other than something *inside* the KET. See *id.* Thus, even according to this hypothetical interpretation, the Neukam reference is clearly missing the electronic device and airflow continuously directed through the electronic device, as recited in independent claim 25.

In view of these deficiencies, the Neukam reference cannot anticipate independent claim 25 and its dependent claims. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 10-12 under 35 U.S.C. § 103(a) as obvious over Neukam. The Applicants respectfully traverse this rejection.

Improper Modification - Lack of Objective Evidence

The Examiner has not shown the requisite motivation or suggestion to modify or combine the cited references to reach the present claims. The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the cited references based on the *conclusory and subjective statement* that it would have been obvious “to one ordinary skilled in the art at the time invention was made to use said fan chassis to cool any kind of electronic device comprising heat generating electronic components” Office Action mailed March 31, 2005, page 4. The Applicants stress that the level of skill in the art cannot be relied on to provide the suggestion to combine the references. *See* M.P.E.P. § 2143.01. Accordingly, Applicants challenge the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references, or remove the foregoing rejection under 35 U.S.C. § 103.

Request Evidence to Support Official Notice

Essentially, the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being “well-known” in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner’s use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner’s position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the presently cited references, the Applicants further request that the Examiner specifically identify the portion of the

newly cited reference that discloses the allegedly “well known” elements of the instant claim, as discussed above, or withdraw the rejection.

Applicants, however, respectfully assert that the allegedly “well known” elements do not obviate the deficiencies of Neukam, as discussed above in relation to the independent claims of the present application. Accordingly, Applicants respectfully assert that the presently rejected dependent claims are patentable over and non-obvious in view of Neukam. For these reasons, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Allowable Subject Matter

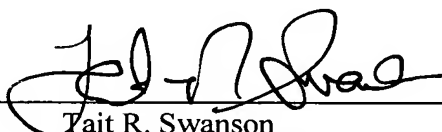
Applicants graciously acknowledge the Examiner’s indication of the allowable subject matter of claims 6, 13 and 28. However, the Applicants do not choose to amend the claims at this time.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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